

The doors of the Senate chamber were thrown open, and the President instructed the sergeant-at-arms to invite the board of managers back within the bar of the Senate.

The board of managers returned within the bar of the Senate.

Senator Ellis offered the following: "It is ordered by the court, that the respondent's demurrer to the articles of impeachment, preferred against him in this case, be and the same is hereby overruled."

Adopted by the following vote:

Yeas--Senators Allison, Ball, Bradley, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Ledbetter, Moore, Parker, Russell, Stirman, Swift, Trolinger, Westfall, and Wood--21.

Nays--Senators Burton and Randle--2.

Senator Baker was excused from voting, on the ground that he was unprepared to vote on the question, having just arrived from home, and consequently had heard but little of the argument in said case.

The President desired to know of the respondent, who was present at the taking of the vote on the demurrer, what action he desired to take.

Respondent stated that he desired to file his answer.

Leave granted, and the respondent submitted the following answer:

The House of Representatives of the State of Texas *et al.*, v. Wm. Chambers, judge of the First Judicial District of the State of Texas:

Now comes Wm. Chambers, respondent, in his own proper person, and for answer to the articles of impeachment, says: That he is not guilty of any high crime or misdemeanor, as in and by the said articles, each and all of them, is alleged; and this he prays may be inquired of by this honorable court, in such manner as law and justice shall seem to them to require.

WM. CHAMBERS.

On motion of Senator Ball, the Court of Impeachment adjourned to 10 A. M. tomorrow.

#### FORTY-SECOND DAY

SENATE CHAMBER, /  
AUSTIN, March 5, 1874. A

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read, corrected and adopted.

On motion of Senator Friend, Senator Ellis was excused for one week from tomorrow.

A message was received from the House, announcing the passage by that body of the following bills: House bill No. 26, "An act regulating the emancipation of minors;"

House bill No. 113, "An act making an appropriation to defray the traveling and other contingent expenses of the Adjutant General in collecting the State arms;" House bill No. 198, "An act making an appropriation to buy postage stamps for the Superintendent of Public Instruction."

Senator Westfall, for Committee on Enrolled Bills, submitted the following report: Hon. R. B. Hubbard, *President of the Senate*:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 163, "An act to define the Tenth Judicial District of the State of Texas, and to provide the times for the holding of the courts therein, and to attach the county of Rockwall to the Fourteenth Judicial District," and find the same correctly enrolled, and have this day at 9:50 A. M. presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

The hour having arrived for the meeting of the high court of impeachment, the Senate resolved itself into said court.

#### IN COURT.

The sergeant-at-arms made the usual proclamation.

The Secretary of the Senate was instructed to inform the House that the court was now in session, and to invite the board of managers thereof within the bar of the Senate.

The secretary returned and notified the President that he had obeyed the said instructions.

The sergeant-at-arms announced the board of managers, who were invited by the President within the bar of the Senate.

The respondent came forward and took a seat within the bar of the Senate.

The managers announced "ready for trial," and stated that they would take up the different specifications in the articles of impeachment *seriatim*.

The first and second articles of impeachment were then read by the secretary.

The board of managers then introduced Robert H. Leonard, of Jefferson county, who took the stand, and was examined by the board of managers and respondent.

At the close of the examination of the above witness, G. W. O'Brien, of Jefferson county, was called to the stand.

Senator Wood stated that he did not see the necessity of reading each specification *seriatim*, and moved that witnesses be examined on any one or all of the specifications, at any time during the examination of witnesses. Adopted.

At the close of the examination of the said witness, Senator Erath moved that the court adjourn to 3 P. M. Carried.

#### IN SENATE.

A message was received from the House, announcing the passage of the following

bills: House bill No. 118, "An act to authorize the election of special judges in the criminal courts of this State in certain cases," House bill No. 121, "An act to amend section one of an act, entitled 'An act regulating elections,'" approved March 31, 1873. House bill No. 122, "An act to amend sections two and six of an act entitled 'an act to incorporate the city of New Braunfels,'" approved May 11, 1873. House bill No. 123, "An act to amend 'An act to organize courts of justices of the peace and county courts, and define their jurisdiction and duties,'" approved August 13, 1870. House bill No. 81, "An act to amend the Penal Code," House bill No. 91, "An act to authorize the funding of the debts of the several counties in this State, and to provide for the payment of the same," House bill No. 105, "An act to authorize the use of photographic copies of written instruments in taking depositions of witnesses in certain cases," House bill No. 122, "An act to change the name of Ernest Louis Heinrich Seyberlich to Ernest Louis Henry Kellner; also, the name of Emilie Fredericke Helen Seyberlich to Emilie Fredericke Helene Kellner," House bill No. 110, "An act to punish the taking or destruction of certain products of the farm, garden, vineyard and orchards in this State," House bill No. 117, "An act to repeal 'An act to provide for the employment of private clerks for the judges of the Supreme Court,'" House bill No. 125, "An act to provide for the registration of deeds, mortgages and other written instruments in unorganized counties in this State," House bill No. 151, "An act to protect carpenters, machinists, artisans and other workmen," Senate joint resolution No. 123, to require the State Treasurer to pay certain warrants, with amendments by the House.

Senator Ireland moved that the rules be suspended, to take up Senate joint resolution No. 123, "to require the State Treasurer to pay certain warrants," together with the amendments of the House. Carried.

Resolution 123, as amended, on motion of Senator Ireland, the Yeas and Nays were taken, and carried.

On motion of Senator Ireland, the Senate adjourned until 10 o'clock.

#### APRIL 1, 1874.

Senate met, pursuant to call, at 10 o'clock. Roll called. No report on present.

The sergeant-at-arms was reported to be absent at Senator's.

After the lapse of a few moments, a report was announced as being present.

Senator Westfall, for the Committee on Enrolled Bills, submitted the following report:

*Doc. R. B. Holbeck, President of the Senate:*

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 156, "An act to authorize the Governor to sell certain bonds of the State, and to adjust and settle the indebtedness of the State with Williams & Guion," and find the same correctly enrolled, and have this day, at 12 M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee

Senator Ball offered the following resolution:

*Whereas*, The fact has been made known to the Senate that one more additional phonographer is absolutely required to keep up the minutes in the proceedings of the impeachment case now pending against Judge Chambers; be it, therefore,

*Resolved*, That the Senate employ one additional phonographer at same *per diem*, and for same length of time that E. G. Dill has been employed for.

Lost.

Senator Friend offered the following resolution:

*Resolved*, That the testimony of the witnesses in the case of the State v. Wm. Chambers shall not, for the future, be taken in short hand, and that the same be and is hereby dispensed with.

Lost.

Senator Westfall moved to reconsider the resolution offered by Senator Ball. Carried.

The resolution offered by Senator Ball was then adopted.

Senator Westfall offered the following resolution:

*Resolved*, That the assistant sergeant-at-arms be instructed to put up the inaugural addresses of the Governor and Lieutenant Governor in convenient packages, and direct them to the different postoffices in the State.

Adopted.

The hour having arrived for the Senate to go into session as a court of impeachment, the Senate went into said session.

IN COURT.

The sergeant-at-arms was instructed to make the usual proclamation, which he did.

The Board of Managers and respondent appearing within the bar of the Senate, Mr. Branch was introduced as a witness, who gave in his testimony.

Under the resolution adopted by the Senate, the President appointed Mr. Foster to temper against Mr. E. G. Dill.

The respondent stated that Mr. Dill, the phonographer, had informed him that he could not work this evening at short hand reporting, as no assistant was present as yet, who could assist him in this sort of labor.

The President then appointed Major

Leigh Chalmers, calendar clerk of the Senate, to take down the testimony this evening, in the usual style.

After the testimony of Mr. Branch was heard, Mr. N. B. Bendley was then put on the witness stand.

Mr. W. F. Gilbert was the next witness put on the stand.

At the conclusion of his testimony, Senator Camp moved to adjourn till 10 A. M. to-morrow. Lost.

Senator Westfall moved to adjourn till 9 A. M. to-morrow. Lost.

The next witness brought forward was Mr. E. C. Ogden.

At the conclusion of his testimony, Senator Wood moved to adjourn to 10 A. M. to-morrow. Lost.

Mr. Wesley Holland was then called for, but was not present.

Senator Stirman moved that the court stand adjourned to 9 A. M. to-morrow. Lost.

Senator Ireland moved that the court stand adjourned till 9:06 A. M. to-morrow. Carried.

#### IN SENATE.

Senator Burton moved that the Senate adjourn until 10 A. M. to-morrow. Lost.

Senator Dillard moved that the Senate stand adjourned to 9 A. M. to-morrow. Carried.

### FORTY-THIRD DAY.

SENATE CHAMBER, )  
AUSTIN, March 6, 1874. )

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

The reading of the journal was dispensed with.

Senator Wood presented the petition of sundry citizens of Rusk and Henderson counties, asking for a new county to be formed out of the territory of said counties. Referred to Committee on Counties and County Boundaries.

On motion Senator Wood, Senator Ireland was excused until Monday next.

Senator Bradley presented a petition from citizens of Dresden, Navarro county, in regard to the prohibition of sale of spirituous liquors in or near said place. Read and referred to Committee on Judiciary.

The President of the Senate handed in a petition from citizens of Ellis county, asking for the passage of a law similar to the one known as the Ohio liquor law. Read and referred to the Committee on State Affairs.

Senator Erath presented a petition from citizens of the counties of Limestone, McLennan, Hill and Navarro, praying for a new county out of portions of the above

counties. Read and referred to the Committee on Counties and County Boundaries.

Senator Moore presented a petition from citizens of Lamar county asking for the passage of "An act to prohibit the sale of intoxicating liquors at Blossom Prairie Depot, in the said county of Lamar." Read and referred to the Judiciary Committee.

Senator Davenport offered the following resolution:

*Resolved*, That from and after this date the Senate will hold evening sessions, to commence at 7½ P. M. daily; such sessions to be devoted exclusively to the consideration of such business as is on the table of the President.

Senator Swift moved to amend the resolution as follows: "and that each Senator have the right to call up one bill as his name is called." Lost.

The yeas and nays being called for on the resolution offered by Senator Davenport, it was carried by the following vote:

Yeas—Senators Allison, Baker, Davenport, Dillard, Dwyer, Erath, Friend, Hobby, Parker, Stirman, Trolinger and Westfall—12.

Nays—Senators Ball, Bradley, Burton, Camp, Ledbetter, Moore, Russell, Swift and Wood—9.

Senator Dillard introduced a joint resolution, "providing for the employment of a clerk in the Adjutant General's department, to collect together the civil and military history of the State of Texas." Read and referred to the Committee on State Affairs.

Senator Davenport introduced a bill, entitled, "An act prescribing the number of terms of the district court to be held per annum in each organized county in this State, and to provide a uniform time for the second term thereof." Read first time and referred to Judiciary Committee.

The hour arriving for the assembling of the Court of Impeachment, the Senate went into said session.

#### IN COURT.

By order of the President of the court, the sergeant-at-arms made the usual proclamation.

The secretary was instructed to inform the board of managers of the fact that the Senate was now sitting in the capacity of a court, and was ready to receive them.

The secretary returned, and informed the President that said instructions had been obeyed.

The sergeant-at-arms announced the board of managers from the House, in the case under trial, who came in, and took seats within the bar of the Senate.

The respondent being present, and the managers announcing that they were ready to proceed with the trial, Mr. Wesley Holland was called to the stand, and was examined by both parties.